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ABSTRACT

Haitian refugees who are seeking political asylum in the United States are finding themselves unwelcome. Although various reports attest to continuing persecution in Haiti under the repressive Duvalier regime, the U.S. Immigration and Naturalization Service claims that the Haitians seek only greater economic opportunity and are not genuine political refugees. Many Haitian refugees in the United States have been denied due process, subjected to superficial inquiry methods and coercive measures, put in jail, or sent back to Haiti as "voluntary returnees." A State Department study team reported no evidence of persecution of refugee returnees in Haiti. However, the study methodology demonstrates flaws which render the team's conclusions questionable. The U.S. government contends that granting asylum to the refugees would lead to a mass influx of Haitians as well as of Mexicans, Caribbeans, and Central and South Americans. The facts refute this contention and demonstrate that generally, Haitian immigration to the United States has increased only during periods of severe threats to Haitian lives and liberty. Refugee policy must be able to distinguish between those who are fleeing persecution and those who only seek economic betterment. The Haitian situation demands that Haitian refugees be accorded special treatment by the U.S. government. (MJL)

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Haitian Refugees Need Asylum:

A Briefing Paper

Haitian boat people have been coming to seek refuge in the U.S. since 1972.

In these ten years, some 40,000 Haitians have crossed the 800 miles of open sea in small frail craft. Untold numbers have drowned on route; recent tragedies within sight of Miami's beaches have dramatized the desperate risks taken in this quest for freedom.

Instead of hospitality, U.S. authorities have treated the Haitians with hostility. From the outset a prejudgement has been made that Haitians came here primarily for a livilihood and not for safety from persecution. This is coupled with denial of due process and superficial inquiry methods as well as coercive measures.

Today, these measures include the arbitrary and unsconscionable detention of over 2,000 Haitian asylum-seekers in Federal prisons and in outdated converted military bases likened by many to concentration camps, and the legally and morally questionable practice of "interdicting" (intercepting) Haitian boats on the high seas and returning boat people to the country they are fleeing.

Research carried out by the National Council of Churches of Christ convinced it and its constituent denominations that the Haitian boat people are not merely seeking greater economic opportunity but are genuine political refugees and should be treated accordingly.

Early in 1980 the following briefing paper was prepared to summarize recent findings. It further supported the Council's understanding that many if not all of the arriving Haitian boat people continued to have a "well-founded fear of persecution" if involuntarily returned to Haiti, and thus merit political asylum under international and U.S. law. Much has happened since this paper was prepared. Conditions in Haiti have further deteriorated and so has U.S. treatment of these Haitian asylum-seekers.

A briefing sheet summarizing recent developments is attached. A more comprehensive description of current situations will be available from CWS/NCCC in the near future.

The question of Haitian refugees is fundamentally a moral question, and men and women of conscience must speak out to assure them asylum in the United States.

We hope this will help people to do so.

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Haitian Refugees Need Asylum:

A Briefing Paper

Introduction

A new group of boat people continues to risk their lives to sail 800 miles across open seas to find refuge and freedom in America. Many have drowned along the way. Unfortunately, these refugees are finding that they are not welcome in America, despite their documented claims to persecution. They are being told, quite simply, to go back home.

These new boat people are Haitians. For the last seven years they have been fleeing from a reign of persecution and terror in their homeland. Innumerable religious bodies, newspapers, academic studies, political leaders and other public figures have urged that they be granted asylum in America. The Immigration and Naturalization Service of the United States Government, however, claims that they seek only greater economic opportunity, and are not genuine political refugees.

In this briefing paper, prepared by the National Council of the Churches of Christ in the U.S.A., these issues will be studied. Based on a careful first-hand questioning of the Haitian refugees and on other evidence, the National Council of Churches, a supporter of asylum for Haitian refugees since 1972, believes that Haitian "boat people" are not simply seeking greater economic opportunity but are genuine political refugees and should be treated accordingly. Expert witnesses have testified in federal court that they face grave harm if deported to Haiti.

In addressing the issue of asylum for Haitian refugees, this paper will examine four basic questions:

1. Why are Haitians fleeing to America?
2. How are they being treated upon their arrival here?
3. What happens to these refugees when they are sent back to Haiti?
4. Will granting asylum to Haitians already in the United States mean that many more will soon follow?

In conclusion, this paper will suggest what should be done immediately to help Haitian refugees.

1. Why Are Haitians Fleeing to America?

The Reality of Continuing Persecution

Haitians are fleeing to America because they face widespread persecution and terror at home. A report in 1973 by Amnesty International, one of the most widely-respected human rights organizations in the world, reported:

> Haiti's prisons are still filled with people who have spent many years in detention without ever being charged or brought to trial. Amnesty International remains seriously concerned with the continued repression of dissent in Haiti and the denial of human and legal rights....The variety of torture to which the detainee is subjected is incredible: clubbing to death, maiming of the genitals, food deprivation to the point of starvation, and the insertion of red-hot pokers into the back passage....In fact, these prisons are death traps.... /and/ find a parallel with the Nazi concentration camps of the past but have no present-day equivalent.

In the intervening years since then, Amnesty International and other observers have noted with grim regularity the continuing policy of flagrant human rights violations by Haiti. Each year brings forth new revelations of systematic repression in Haiti:

1977: Amnesty International, responding on November 14, 1977, to claims that Jean-Claude Duvalier's regime is more liberal than his father's, noted:

> Political prisoners are still rarely brought to trial. ...Haiti's prisons have one of the world's highest mortality rates among detainees.

1978: Amnesty International Report of December 18, 1978:

> The apparatus of repression established under Francois Duvalier remains in place under Jean-Claude Duvalier.

1979: The year 1979 witnessed a series of repressive actions by the regime. Joseph Maxi, founder of the Haitian League for Human Rights, was arrested in February. In August, Silvio Claude, a founder of the Christian Democratic Party, was imprisoned. And at a November rally Gerard Gourgue, President of the Haitian League for Human Rights, and others (including a United States diplomatic observer) were beaten by 60 attackers who shouted, "Jean-Claude Duvalier!" Maxi and Claude have not been charged with any offense or had a trial. Maxi has been released; Claude remains in prison.

With wide-spread human rights violations such as these it is no surprise that thousands of Haitians have decided it is better to risk their lives on the 800-mile trip in small boats on the open seas to American shores than to endure continued persecution at home.

This history of Haitian human rights violations extends back several decades. In 1957 Francois ("Papa Doc") Duvalier assumed power in Haiti. From then until his death in 1971 he ruled this small Caribbean country with a cruel dictatorial power, gaining infamy around the world for his policy of torturing political opponents and arbitrarily placing citizens in prison without trial or hearing. While dying in 1971, Duvalier as President-for-Life, proclaimed his 19-year-old son Jean-Claude his successor as President-for-Life. While some of the most flagrant forms of visible torture and repression were toned down under the new regime, wide-spread human rights violations continue unabated.

Testifying to that fact, the Senate Appropriations Committee in 1974 concluded that although "the grim visible terror of Francois Duvalier's regime /e.g., corpses seated in chairs lining the road to the airport/ may have subsided, it seems that autocratic rule characterized by an unflinching willingness to suppress people has not." (Report 93-620)

International institutions such as the Organization of American States condemned the "very serious violation of the right to liberty and personal security" by the Haitian government (Resolution in case 1716, Haiti, April 24, 1973).

In 1974 the Senate Appropriations Committee reiterated its "strong reservations as regards the character of the Haitian government" (Senate Report 94-39).

The AFL-CIO News (August 3, 1974) reported the testimony of its legislative representative, Howard McGuigan, at the Senate Appropriations Committee:

> The AFL-CIO witness stressed that the dictatorship in Haiti has not become significantly less oppressive with Jean-Claude Duvalier. Midnight arrests, secret police and "absolute suppression of all freedoms" still are the tools of Haiti's rulers.

Clearly, the transition from father dictator to son dictator has made no more that a cosmetic difference in the Haitian government's treatment of its citizens. The motivation for the small but steady stream of refugees fleeing Haiti is further elaborated in several reports from Amnesty International:

> Arrests are carried out without warrants and often take the form of disappearances or kidnappings.... Prisoners are not allowed lawyers, nor contact with their families on arrest nor -- with few exceptions -- are they charged or brought to trial. (Annual Report 1975-6)

In another report issued April 20, 1976, Amnesty International stated:

> However, under the surface the repression is still as strong as it ever was.... It should be pointed out that the term

> "political prisoner" has to be interpreted in the widest-possible sense in the Haitian context. There may have been no political activity whatsoever, as /for instance/ a large number of personal grudges, or simply for very minor offenses. As in most cases there are no judical procedures whatsoever, and as torture is systematic, these prisoners are well within Amnesty International's area of concern.... It is common practice just before interrogation to attach prisoners by their ankles to the back of a jeep and then drag them at high speed over the ground. During interrogation prisoners are subjected to electric shocks and starved until they can no longer stand. Their torturers then beat them with the cry of "Stand up for the dead!"

The Haitian government's attempts at self-justification must be viewed in the context of this documented on-going sub-human torture. The U.S. State Department, in explaining why it considers Haitians to be economic refugees only, reports a claim by Jean-Claude Duvalier that amnesty was granted to nearly 800 prisoners from 1972 to September 22, 1977. On that date Duvalier declared there were no more political prisoners in Haiti.

Yet as far back at 1973, Amnesty International compiled a list of about 100 detainees, many held in secret (Report of March 1, 1973; emphasis added):

> But it suffices to show the cynicism of the statements made by the Duvalier regime.... /which has/ more than once informed the press that there were no political prisoners in Haiti. It also reveals the deceitful nature of the so-called amnesties declared in November and December 1972 which affected 132 people. Some were never released; others were rearrested soon after their release.

Meanwhile the charges of repression continue to be made by the American press and international human rights groups against Haiti, and the slow but steady exodus of refugees continues. The Philadelphia Inquirer reported on October 7, 1979, that the Tontons Macoutes organization "continues to strike terror over the length and breadth of this nation of 6 million....

They are not paid. They exist by practicing extortion on the people. They are a law unto themselves."

On July 29, 1979, a rally was held in Port-au-Prince to celebrate the 22nd anniversary of the Tontons Macoutes. "Alarmed by the dimensions of the opposition, the regime has... unleashed the Tontons Macoutes whom Duvalier exhorted: 'Keep your gun in your hand always.'" (Latin American Political Report, September 28, 1979).

The State Department Report on Human Rights Practices for 1979 in Haiti (issued February 4, 1980) conceded:

> The Haitian government took or encouraged other actions in 1979 to intimidate the media and the political opposition. the influence of the undisciplined militia /the Tontons Macoutes/ increased.... The ability of Haitian citizens to express dissenting views declined in 1979.

This appraisal is particularly significant but also surprising in light of the fact that at the very same time the State Department was arguing that Haitian refugees are merely economic refugees.

In September, 1979, a press law was imposed, making it a serious offense for domestic or foreign journalists to speak disrespectfully of the President, his mother, the memory of his father, or "Haitian culture." In A Cabinet reshuffle Duvalier appointed General Claude Raymond, a hard-liner who had served under his father, as Minister of the Interior. Significantly, Duvalier has refused access to prisons to the International Committee of the Red Cross!

The Christian Science Monitor (October 30, 1979) summed up best the reasons why refugees are fleeing Haiti:

> The surprise is that there are so few "boat people" from Haiti.... With a per-capita income of just over $200 yearly,

the Haitian people are the poorest in the hemisphere.... Yet it is not economic privation that causes the continuing exodus of Haitians from their homeland... but rather a harsh political and social system.... Duvalier rule is probably the most repressive in Haitian history.

2. How Are Haitian Refugees Being Treated Upon Their Arrival Here?

Immediately after the first boatload of Haitian refugees arrived on Florida shores on December 12, 1972, the Miami News wrote prophetically in an editorial "Asylum for the Haitians" (December 15, 1972):

> A moment of truth has arrived for our local immigration officials who so casually go about their almost-daily task of processing Cuban citizens landing in South Florida after having escaped the Castro regime. Should the procedure be any different for the dark-skinned Haitians? The action taken on this case will be watched by people across the country and even around the world.... To refuse the pending request of the dark-skinned Haitians would be racism and surely our government isn't racist or is it?

Instead of hospitality, Immigration officials treated the Haitians with hostility. They continue to do so. From the outset a prejudgement was made that the Haitians came here primarily for a livelihood and not for safety from persecution. This is coupled with denial of due process and superficial inquiry methods as well as coercive measures.

Denial of Due Process

Immediately upon their arrival -- in one case at 2 a.m. -- an immigration inspector interviewed the Haitians. The "usually 20-minute interview" (Miami Herald, March 15, 1974) included the time for interpretation (between English and Creole) and for obtaining biographical information. No attorney was permitted, and no hearing provided before an immigration judge on the asylum claim. Nor was any opportunity afforded to secure witnesses or documentation. Instead of questions about persecution, the inquiry focused on the question, "Did you come to work?" On the basis of an affirmative

answer -- which on its face did not preclude having fled to escape persecution -- the Immigration and Naturalization Service (INS) denied asylum, often on the same day. INS transmitted a summary of this meager record to the State Department, which typically responded in a few days, concurring in the asylum denial. The U.S. refugee law, the Protocol Relating the Status of Refugees, provides for asylum for those who face persecution because of race, religion, political opinion or membership in an organization but not for those who leave their homelands to seek a better livelihood.

In the fall of 1974 and the spring of 1975, about 300 Haitians were interviewed by a National Council of Churches Task Force. Their affidavits provided full details of summary imprisonment, torture and other maltreatment by the Tontons Macoutes. The affidavits were promptly submitted to INS and the State Department. Five years have now passed. Despite repeated inquiries, no response has yet been received!

Imposition of Bond and Denial of Employment Authorization

The Haitians were imprisoned in jails for criminals. Some were held for over a year as far away as El Paso, Texas. The bond set for their release fluctuated between $500 and $1,000. Denominations of the National Council of Churches provided funds for many to be released, and then for their care and maintenance inasmuch as INS refused to authorize their employment. As far as INS was concerend, the Haitians had the right to seek redress in the courts, and, equally in the interim, the right to go hungry.

House Immigration Committee Report

In July 1976 the House Subcommittee on Immigration, Citizenship and International Law, in a report on "Haitian Immigration," acknowledged

that "over the past few years... /it had/ received numerous complaints from members of Congress, religious and civic organizations regarding our Government's treatment of certain natives of Haiti who are in the United States." In a pointed admonition to INS and the State Department to cease their prejudgement that the Haitians were only economic refugees, the House report declared:

> Furthermore, decisions by our Government -- both by the Executive and Judicial Branches -- that an individual Haitian is not entitled to the status of a 'political refugee' cannot be summarily dismissed as having no foundation in fact. Consequently it would appear to be in the best interests of all concerned if every effort is made to insure that the Haitians fully comprehend the concept of asylum and an adequate opportunity is provided for the full and fair presentation of their claims.

But INS remained adamant in refusing to modify its summary interview procedure, which precluded attorney representation at the initial interview and a hearing before an immigration judge on the asylum claim.

The New Policy of Immigration Commissioner Leonel F. Castillo and Its Reversal

In November, 1977, after a long court fight which reached the Supreme Court, and after Congressional hearings, numerous protest actions (in Miami, Washington, D.C. and New York City) and a broad public campaign, INS Commissioner Leonel F. Castillo, in an agreement with the National Council of Churches, reversed the Service policy: imprisoned Haitians were released without bond, their employment was authorized, and INS agreed to promptly change their regulations so as to accord the Haitians a hearing on their asylum claim before an immigration judge.

Castillo's more humane policy was abruptly terminated in July, 1978, and a speedup program for the explusion of the Haitians put into effect.

They were called in en masse and their employment authorization cancelled. Asylum hearings in Miami for refugees from all countries escalated from the earlier level of about 10 up to 150 a day for Haitians alone. The limited number of immigration attorneys available in Miami were unable to adequately represent their clients in hearings held at three different locations, and often were unable to even appear at all. In most cases, moments after the conclusion of this roughshod procedure, presigned form letters of asylum denial stating that they had failed to present sufficient evidence were handed to the Haitians.

INS has conceded that prior to the institution of the speedup program, approximately 51 percent of all Haitian asylum cases were placed in the "questionable" category. This meant that there was reason to believe the refugee had a bona fide reason to seek political asylum. Subsequent to the speedup program, approximately 0.75 percent were placed in the "questionable" category and the balance in the "lacking in substance" category. A Haitian asylum applicant therefore had a 68 times greater possiblity of being placed in the "questionable" category if his/her application was filed before the Haitian speedup program began.

"Voluntary" Returnees

New Haitian arrivals were told by INS, with no attorney permitted to be present, "Since you came illegally, we will keep you in jail. Are you willing to sign a paper to leave, or do you want us to deport you?" Those who agree to sign are termed "voluntary returnees." This meant, for example, that 127 Haitian refugees who had thanked God for their safe arrival on American shores on a Friday in August of 1978 were all sent back to Haiti the following Monday as "voluntary returnees." The nature of this "legal"

procedure raises very disturbing questions both about the propriety and legality of the INS procedure as well as the reality of the Haitians' "voluntary" signing.

On December 2, 1978, Father Jean Juste, a Catholic priest serving at the Haitian Refugee Center in Miami, visited the West Palm Beach jail. Hearing a child cry, he made inquiries and found that Roselene Dorsainvil, an 8-year-old, and her father, Minfort Dorsainvil, a Haitian refugee, were in separate cells. They had been there since November 17, when Dorsainvil had refused to leave voluntarily. After a few more days of imprisonment of his daughter, the tormented father might well have changed his mind! Spurred by public outcry, INS promptly released both.

The Position on the Haitians of the United Nations High Commissioner for Refugees

A public memorandum from spokesman Hodding Carter of the State Department states that the United Nations High Commissioner for Refugees (UNHCR), after reviewing about 2,500 Haitian cases, "is in general agreement with ours /position/; merely departing Haiti and requesting political asylum in the United States is insufficient grounds to establish a prima facie claim to asylum." In contrast, Klaus Feldman, who heads the UNHCR office and is the person who reviewed the Haitian asylum applications, stated:

> We have never concluded that "generally" the mass of Haitians seeking asylum were economic refugees.... Many of the applications were incomplete or contained no information at all on the subject matter related to asylum. In all cases, the review of asylum requests by this office was made on the basis of information which INS had submitted to the Department of State.... In many of the I-589 forms "request for asylum in the United States," the space for answers to questions was frequently left blank. In other instances, the answers referred to documents which were not made available to us. While we are not in a position to know why these omissions occurred, they often have precluded UNHCR from making any recommendations (letter from Klaus Feldman to Ira Collobin, November 29, 1979; emphasis added).

As of November, 1979, INS was still resolutely turning a deaf ear to all the requests for asylum by Haitian refugees: "more than 99 per cent of the Haitians' asylum requests have been rejected by the INS, according to Raymond Morris, the Service's district director in Miami" (St. Petersburg Times, November 11, 1979).*

The titles of editorials in three Florida newspapers, among many, speak for themselves: "Intolerable Cruelty in Haitians' Case" (Miami News, November 18, 1976); "The Tragedy of the Haitians Cries Out for Action by the U.S." (Miami Herald, August 15, 1979); "Let Haitians In!" (Palm Beach Post, August 14, 1979); "Grant Haitians Sanctuary" (Miami Herald. March 2, 1980).

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*Hodding Carter's State Department memorandum states that asylum was approved in about 240 cases out of the over 5,000 asylum applications by Haitians, "mostly since 1972." This fails to mention that before 1972, 119 requests were granted to Haitian Coast Guardsmen, led by Colonel Octave Cayard, who fired on the National Palace in Port-au-Prince on December 4, 1970. This is in addition to other military personnel and their families who were granted asylum before 1970 or since. The State Department is silent as to how many requests by Haitian "boat people" have been approved. David Crosland, Acting Immigration Service Commissioner, stated in a letter to Congressman Charles F. Dougherty (December 7, 1979) that as a result of the procedure of INS-State Department consultation, only "58 Haitians have been granted asylum in the United States"!

3. What Happens When Haitian Refugees Are Returned to Their Country?

U.S. State Department spokesman Hodding Carter states that "the Government of Haiti has previously given us both formal and informal assurances regarding the safe return of Haitians from the United States.... /They/ will be afforded all constitutional guarantees."

Other observers have discovered evidence contradicting these assurances: in 1974 a Miami Herald reporter "found that the non-U.S. diplomats in Haiti were much more skeptical about the fate of deported refugees, fearing their imprisonment or execution" (Wall Street Journal editorial, May 23, 1974). And at long last, in a Federal court class action suit in Miami by Haitians seeking asylum, hard evidence in the form of sworn, unimpeached testimony became available in November, 1979:

1. A former archivist for the Duvalier secret police, who had fled in February 1979, stated that he had seen a document of the secret police "ordering the arrest of all persons who returned from any foreign country after seeking political asylum." He had also seen "a message directing the arrest of a group of returnees from the United States. The order said the group was Communist.... Those prisoners were executed without trial, the witness said he knew, because he saw the report returned from the prison" (Miami Herald, November 24, 1979).

2. A member of the Tontons Macoutes for five years said that "standing orders required the immediate arrest and imprisonment of any Haitian who returned after unsuccessfully seeking political asylum in the United States or any other country. Returnees received 'especially brutal treatment,' being constantly beaten about the head and kept tied up in jail

cells..." (Miami Herald, November 24, 1979).

3. Bernier Pierre, a naturalized Canadian, was arrested on his arrival in Port-au-Prince on August 20, 1979, for a visit. At the National Penitentiary, where he was imprisoned, he found a returnee from the United States who had been incarcerated for several months without charges, and whose family was unaware that he had been deported from the U.S.

Another former Tonton Macoute now living in Miami has revealed the Duvalier regime's double policy:

> Publicly, Jean-Claude Duvalier said that people who are returned to Haiti... would be allowed to return to their homes without any problem. But... he simultaneously gave orders in secret to the military and the Tontons Macoutes that returning deportees from the U.S. and other countries should always be arrested. Everyone who leaves Haiti illegally and then returns is put in jail. The order is still standing and has never been revoked. (Fort Myers News-Press, December 23, 1979)

In claiming that there is no evidence of persecution of returned Haitian refugees, the State Department seems woefully ignorant of the facts.

Haitian "Boat People" Coming from the Bahamas

The State Department memorandum explaining why the Department believes Haitians are not political refugees refers to many Haitians who (1) "went to the Bahamas where they were able to get employment," but because of a change in the Bahamanian government's policy fear deportation to Haiti, and (2) after living many years in the Bahamas are now fleeing in small boats to Florida. But the memorandum is silent both as to why the Haitians left their country for the Bahamas and whether they can safely return to Haiti! No matter where asylum applicants have come from, the U.S. refugee law (Protocol Relating to the Status of Refugees, Article 33)

prohibits returning them to where they have a "well-founded fear of persecution" because of political opinion.

There is precedent for accepting Caribbean refugees into our country from a country of first asylum. Soon after Fidel Castro gained power in January, 1959, some 25,000 Cubans left by plane -- with little risk -- for Spain, where they were hospitably received. Yet after the refugees had spent more than 10 years there, the U.S. government agreed to grant asylum and flew them here at taxpayer expense.

The State Department Study Team

In order to investigate charges that Haitian refugees are being persecuted upon their return, a State Department Study Team visited Haiti May 10-22, 1979, and interviewed 86 "returnees" from a list of 600 deported since 1972. The Study Team reported that it had found no evidence of persecution. Since the State Department has accepted the Study Team's findings as conclusive, the methods of the Study deserve closer scrutiny. Stephanie Grant, Director of the American section of Amnesty International warned of "the risks of a set-up."

Several points of difficulty with the Study Team's methodology are especially significant:

1. The Team was aware that "the addresses supplied to INS by the Haitian nationals would be of little use." On two occasions, radio broadcasts were used "to ask named returnees to come in and speak to the team. And in many locations, simple word-of-mouth communication that the team was in the area prompted returnees to seek us out.... Most interviews lasted 20 or 30 minutes." Allowing time for interpretation (from English to Creole to English), interviews actually lasted only 10-15 minutes.

Privacy was minimal. The report noted "the often enormous numbers of bystanders in the towns and villages visited." As regards the 86 interviewees, "when asked what they had said to U.S. officials, none indicated that they had applied for political asylum"! The interviewees were necessarily aware that (1) there were many informers in their midst, and (2) they were being asked to convey information which would appear to be -- to use the words of the Haitian government -- defamation of the nation. To these conditions should be added the fact that, as a U.S. Embassy official put it, "in the provinces they /the Tontons Macoutes/ are the law" (Philadelphia Inquirer, October 7, 1979).

The Haitian government has had the list of 600 Haitians returned since 1972, as well as ample advance notice of the team's coming to Haiti, and is gravely concerned with the effect the refugees have on its international image. In accordance with established international practice, the U.S. government gives the Haitian authorities biographical data establishing the Haitian nationality of deportees prior to their deportation.

2. In April, 1979, Michelle Bogre, whom the Haitian authorities did not know was a journalist, managed to get through three police checkpoints and to locate the families of six returnees. Each of the families believed that their relatives had never left Miami, even though some had been deported as far back as September 1977! Although the Study Team was aware of Ms. Bogre's findings, they made no mention of them in their report.

3. The Team made no visit, unscheduled or scheduled, to Haiti's prisons. Pointing out that various groups allege that returnees are imprisoned and that the Duvalier regime itself concedes that returnees are routinely taken to Casernes Dessalines (a prison in Port-au-Prince),

Stephanie Grant, who from 1973 to 1976 was in overall charge of Amnesty International's research department declared:

> I would expect that a serious and responsible investigative team would go to that prison, would find out the procedures, would find out what was the routine treatment given to returnees, and would speak with prison officials and immigration officials. I would also expect that they would go to Fort Dimanche, or the National Penitentiary, to establish whether there were returnees among the prison population.

Prior to an inspection of prisons made in Port-au-Prince by a Commission of the Organization of American States, inmates were moved to provincial jails and their places taken in refurbished cells by a few well-fed Tontons Macoutes. Some persons on the outside, relying on the Commission's assurances of protection, gave evidence of the violation of human rights. Two weeks after the Commission left Haiti, those persons were summarily imprisoned.

4. The Team itself reported that the Haitian government indicated that "an individual who had been actively involved in political opposition to the Duvalier regime would be detained... and a claim for asylum in the U.S. by such an individual might be treated as defamation of the nation" -- an offense which carries at least a three-year prison term!

4. Will Granting of Asylum to about 10,000 Haitians Mean a Flood of Many Thousand More Will Follow?

INS and other government officials contend that the granting of asylum to the Haitian "boat people" -- the humane treatment required by law -- will open the floodgates to a mass influx of Haitians. Even more seriously, they charge, others from the Caribbean, Mexico, Central and South America will soon follow suit.

The seven years that have elapsed since the first boatload of Haitians came in December 1972 provide a substantial base period to evaluate these contentions. From that time to date, the number of Haitians fleeing here has not varied greatly, except for increases during two special periods: (1) in June and July 1978, when the Bahamian government launched midnight raids and other repressive actions against Haitians and expelled a number of them to Haiti; (2) since October 1979, following a sharp intensification of repression in Haiti and the casting aside of even the pretense of "liberalization." Reversely, for the period November 1977 - June 1978, during which a more humane INS policy prevailed (release without bond and employment authorization), no substantial increase in the arrival of Haitians occurred. This demonstrates that for most Haitian refugees -- just like all others -- life is risked only to save life. In this vital aspect the Haitian "boat people" differ completely from those who come here with passports from their government and visas from a U.S. Consulate. They also differ from the Mexicans who covertly cross the southwest border. Extreme repression in Haiti and the 800 mile distance on open seas to Florida

combine to clearly differentiate the Haitian "boat people" from these others and to show their similarity to the Pacific "boat people," the Indochinese. Refugees in similar situations should receive similar treatment from the United States Government.

The integrity of our refugee policy depends on its even-handed application in accurately distinguishing between fleeing political persecution and seeking only economic betterment, between saving one's life nad improving one's livelihood.

Recently, the Miami Herald expressed its conviction that special treatment must be given to the Haitians:

> Haitians are not like the Mexican braceros who sneak across the border at night, seeking jobs.... Where it can, Government immigration policy ought to treat all aliens as equals. But where it must, that policy ought to treat some aliens as special. No caring human can deny that of all the dispossessed who reach U.S. shores from this hemisphere, the Haitians are uniquely special. (Jim Hampton, Editor, Miami Herald, February 24, 1980)

Conclusion: What Can Be Done?

The about 10,000 Haitian refugees must be granted asylum now. They are, by international consensus, fleeing because of a well-grounded fear of persecution in their homeland. The U.S. State Department is the only observer which does not recognize this basic fact. Haitian refugees are not merely seeking economic betterment; they are refugees and as such should be granted asylum. Under the definition of the United Nations Protocol Relating to the Status of Refugees and of the U.S. Refugee Act of 1980, they should legally be granted asylum. Instead, they have not even been granted a fair hearing.

The question has been repeatedly raised as to why the United States is accepting Southeast Asian "boat people," Cuban "boat people," but not Haitian "boat people." The charge has been made that America's policy on this matter is racist; it does not accept Haitians because of racial prejudice. That charge has not been adequately addressed.

The list of persons and organizations supporting asylum for Haitian refugees is a long and impressive one. It includes: the National Council of Churches and its member denominations, bishops of the Roman Catholic Church, the Synagogue Council of America, National Urgan League, National Association for Advancement of Colored People, International Ladies Garment Workers Union, Longshoremen's and Warehousemen's Union, Food and Commercial Workers Union, Jewish Labor Committee, and 135 Black leaders in Florida who submitted a joint statement to Rosalyn Carter. In Congress, the Congressional Black Caucus and Florida U.S. Senator Richard Stone and Congressmen William Lehman and Dante Fascell; as well as Senator

Daniel Moynihan of New York; Congressmen Mickey Leland and Henry Gonzalez of Texas; Congressman Tony Coelho of California; Congressman Frederick Richmond of New York and Governor Robert Graham of Florida have indicated support. Sympathetic media coverage has appeared in the Washington Star, Newsday, Washington Post, Philadelphia Inquirer, Cleveland Plain Dealer, New York Times, Christian Science Monitor, U.S. News and World Report, Miami Herald, and St. Petersburg Times, as well as on the NBC, CBS and Public Broadcasting (MacNeil-Lehrer Report) networks.

Your support is needed as well. A letter or telegram sent to President Carter, your senators, congresspersons, and local press will make a significant impact. Unless they realize that their constituency is concerned about Haitians they are unlikely to act. Therefore, a few minutes of your time will make a great deal of difference. The National Council of Churches would appreciate receiving a copy of your letter.

Letters should be short and to-the-point. This paper may be referred to and quoted from. Your letter should state that you believe present United States treatment of Haitian refugees is unfair and that they are in fact political refugees and should be granted asylum like other refugees under international agreements and our laws.

President Carter's address is:

The President
The White House
Washington, DC 20500

Senators:

The Honorable _____
United States Senate
Washington, DC 20510

Members of the House of Representatives:

The Honorable _____
House of Representatives
Washington, DC 20515

The question of Haitian refugees is fundamentally a moral question, and men and women of conscience must speak out to assure them asylum in the United States. If no one speaks out, in all probability they will be returned to Haiti and persecution by the Tontons Macoutes.

Since October 1979, 14,000 Vietnamese "boat people" have been flown halfway across the world every month and granted asylum here. The Department of State, several years ago, stated the basis for its directive regarding the admission of Indochinese refugees (August 10, 1976):

> Our posts were advised to point out that the quality of the refugees escaping by boat and their resettleability can be expected to be high, given the combination of intelligence and intestinal fortitude required to plan and execute such an escape. Furthermore, these refugees have demonstrated dramatically by such an action their opposition to the regime in their country of origin and thus can expect to be treated with great severity should they ever find themselves returned to that land.

After seven years, why are we not likewise granting asylum to about 10,000 Haitian "boat people" who have hazarded their lives to come directly to our shores?

In its March 2, 1980, editorial, "Grant Sanctuary to Haitians," the Miami Herald declared:

> In private conversations State Department officials admit that their stubborn rejection of thousands of poor Haitians is morally indefensible.... Haitians who reach our shores should be granted sanctuary. The conscience of this community and of the nation can tolerate no less.